ARTICLE II
Administration

200 - Enforcement

It shall be the duty of the Code Enforcement Officer to keep a record of all applications for issued Building Permits and Certificates of Occupancy/Compliance. Possession of the filed records are with the Town Clerk and shall be available for review by the Town Board of the Town of Hopewell. The Planning Board of the Town of Hopewell shall issue no Special Use Permit for the use of any property not in conformity with the requirements of this Ordinance, the NYS Uniform Code, and all other regulations of the Town of Hopewell. The Town Clerk shall maintain filed records relating to Special Use Permit applications, Meeting Minutes and Findings. The Zoning Board of Appeals shall consider variances for property in accordance with §302-C of this Ordinance, and shall file all Meeting Minutes, Findings, and associated paperwork with the Town Clerk. Within 5 (five) business days of the final decision, the Town Clerk shall receive all records or applications for filing.

201 - Duties of the Code Enforcement Officer

A. For the purpose of this Ordinance, it shall be the duty of the Code Enforcement Officer, and any duly authorized assistants or deputies, to cause any plans, buildings or premises to be examined or inspected to determine that said plans, buildings or premises are in compliance with the provisions of this Ordinance and the NYS Uniform Code and to issue certificates and permits as outlined in the following section.

B. If, in the course of work, the Code Enforcement Officer determines that any plans, buildings or premises are in violation of the provisions of this Ordinance or the NYS Uniform Code, he or she shall order the responsible party, in writing, to remedy such conditions. Said Compliance Order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and the remedies which may be invoked, and the alleged violator's right of appeal, all as provided by this Ordinance. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served personally, by certified mail or by first class mail on the owner or on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property.

C. If, upon serving of notice by the Code Enforcement Officer to the owner of any building or premises in violation of any of the provisions of this Ordinance, satisfactory remedy is not completed within 30 (thirty) days of the date of such notice, or in the case of a life threatening situation remedy is not completed as directed by the Code Enforcement Officer, or if, upon appeal, the violation is upheld, the Certificate of Occupancy/Certificate of Compliance for such building or use shall be held null and void. A new Certificate of Occupancy/Certificate of Compliance shall be required for any use of such building or premises.

201 – Duties of Code Enforcement Officer continued…

D. The Code Enforcement Officer shall maintain a permanent record of all matters including, but not limited to, all applications, plans, specifications, construction documents, Permits, Certificates of Occupancy/Certificates of Compliance, inspections, reports, complaints, and fees and all actions taken. Such records shall be available for review by the Hopewell Town Board and other municipal officials and shall be available for inspection by the public.

E. The Code Enforcement Officer shall conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy or Compliance, Temporary Certificates and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any other provision.

F. The Code Enforcement Officer and the Deputy Code Enforcement Officer are authorized to issue appearance tickets for any violation of this Ordinance.

202 - Certificates and Permits

The Certificates and Permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Ordinance. A Building Permit or Special Use Permit shall be prerequisite to the addition to, or erection or alteration of, a building, structure or use thereof.

202 – Certificates and Permits – Building Permit continued…

A. Building Permit

1. Except as otherwise provided in this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof; and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. Agricultural buildings or structures shall require a Building Permit and shall be constructed to meet generally accepted standards. Minimum accepted standards are on file with the Town of Hopewell Code Enforcement Officer.
   No person shall commence any work for which a Building Permit is required without having first obtained a Building Permit from the Code Enforcement Officer.

2. No Building Permit shall be required for work in any of the following categories:
   a. Construction or installation of playhouses, or similar uses, provided the gross floor area does not exceed 144 (one hundred forty-four) square feet.
   b. Installation of swings or other playground equipment associated with a one-family or two-family dwelling or multiple single-family dwellings (townhouses).
   c. Installation of swimming pools associated with a one-family or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 (twenty- four) inches and are installed entirely above ground.
   d. Construction of retaining walls unless such walls support a surcharge or impound Class I, II, or IIIA liquids.
   e. Construction of temporary motion picture, television and theater stage sets and scenery.
   f. Installation of window awnings supported by an exterior wall of a one-family or two-family dwelling or multiple single-family dwellings (townhouses).
   g. Installation of partitions or movable cases less than 5’9” (five foot nine inches) in height.
   h. Painting, wallpapering, tiling, carpeting, or other similar finish work.
   i. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances.
   j. Replacement of any equipment provided the replacement does not alter the equipment’s listing or render it inconsistent with the equipment’s original specifications.
   k. Repairs, provided that such repairs do not involve:
      i. The removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component.
      ii. The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress.
      iii. The enlargement, alteration, replacement, or relocation of any building system.
      iv. Removal from service all or part of a fire protection system for any

period of time.

202 – Certificates and Permits continued…

3. The exemption from the requirement to obtain a Building Permit for work in any category set forth in subdivision 2 of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

B. Special Use Permit

The Hopewell Planning Board is hereby empowered to issue any Special Use Permit provided for by this Ordinance, after Site Plan review, if required, as specified in Article 1600 of this Ordinance. Special Use Permits are those uses having some special impact or uniqueness which require review of their location, design, configuration, and desirability on a given site. A Special Use Permit may be issued with conditions as specified in §307, including requirements for review and renewal, based upon a review by the Planning Board as detailed in §305-D of this Ordinance. Should a Variance be requested as part of the Special Use Permit, such Variance shall be forwarded to the Zoning Board of Appeals for review and a decision forwarded to the Planning Board prior to the Planning Board's taking final action on the Special Use Permit.

C. Certificate of Occupancy/Certificate of Compliance

The Code Enforcement Officer is hereby empowered to issue a Certificate of Occupancy or Certificate of Compliance which shall certify compliance with all provisions of this Ordinance and the NYS Uniform Code for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification to another. The Code Enforcement Officer is also empowered to issue a Certificate of Occupancy/Certificate of Compliance for nonconforming uses, provided that the nonconforming use is defined and the sections of this Ordinance not being conformed to are listed. NYS Fire and Building Code must be conformed to in order to receive a Certificate of Occupancy/Certificate of Compliance for either a conforming or a nonconforming use.

D. Temporary Certificate

The Code Enforcement Officer may issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work subject to a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines:

1. That the building or structure or portion thereof covered by the Temporary Certificate may be occupied safely.
2. That all required fire protection equipment is installed and is operational.
3. That provision has been made for all required means of egress from the building or structure.
4. That electrical work is final and has been inspected by a third party inspection agency as authorized by the Town Board.

202 – Certificates and Permits continued…

The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of this Ordinance and the NYS Uniform Code. A Temporary Certificate shall be effective for a period, not to exceed 6 (six) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the NYS Uniform Code and this Ordinance.

E. Operating Permit

An Operating Permit shall be required for conducting activities or using categories of buildings listed below:

1. Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1.
2. Hazardous processes and activities including, but not limited to, commercial and industrial operations which produce combustible dust as a byproduct; fruit and crop ripening; and waste handling.
3. Use of pyrotechnic devices in places of public assembly.
4. A building containing one or more areas of public assembly with an occupant load of 100 (one hundred) persons or more.
5. A building whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Hopewell Town Board.
6. Operating Permits shall be in writing on a form provided by, or otherwise acceptable to, the Code Enforcement Officer. Such form shall contain information as the Code Enforcement Officer deems sufficient and shall conform to the NYS Uniform Code, and the Hopewell Town Zoning Ordinance. Prior to the issuance of the Permit, the premises shall be inspected and the Permit shall be effective for a period of time as indicated on the Permit, not to exceed 1 (one) year for an area of public assembly and 3 (three) years for any other case as determined by the Code Enforcement Officer.

203 - Application Procedure

A. Procedure for Obtaining a Building Permit

1. All applications for a Building Permit shall be made in writing by the applicant on a form provided by, or otherwise acceptable to, the Code Enforcement Officer in the detail specified in §204 of this Ordinance and shall be in compliance with the NYS Uniform Code, and the Hopewell Town Zoning Ordinance. The applicant shall submit the appropriate fee, as listed in §205 of this Ordinance, with the submitted application.

203 - Application Procedures continued…

2. Where the proposed use is a permitted single or two-family residential use, or an accessory structure or use that is customarily incidental and clearly subordinate to the permitted single or two-family residential use, the Code Enforcement Officer shall consider the application for compliance with this Ordinance and either issue or deny a Building Permit.

3. When the application is for any other use in any district, a Preliminary Site Plan application, in accordance with §1603 of this Ordinance, shall accompany the Building Permit application. The Planning Board shall be responsible for reviewing the Site Plan for compliance with this Ordinance and directing the Code Enforcement Officer to approve, approve with conditions, or deny an application. Where the Building Permit application is limited to interior alterations, renovations, or repairs and does not involve any of the following: changes in use, site improvements, storm water management, potential environmental or neighborhood impacts, or modification of a previously approved Site Plan, the Code Enforcement Officer shall consider applications for compliance with this Ordinance and either issue or deny a Building Permit.
4. Building Permits shall be issued in duplicate and 1 (one) copy shall be posted conspicuously on the premises while any work is being completed.

B. Procedure for Appeal
An appeal shall be taken within 60 (sixty) days after the filing of any order, requirement, decision, interpretation, or determination of the administrative official, by filing with such administrative official and with the Board of Appeals a Notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

C. Procedure for Special Use Permit
All applications for Special Use Permits shall be made to the Code Enforcement Officer. The Code Enforcement Officer, after determining that an application is complete and in proper form, shall transmit one copy of the application and all supporting documents to the Planning Board for action thereon. Where applicable under §239-m and §239-n of the General Municipal Law, one copy of the application shall also be submitted to the Ontario County Planning Board, per their Regulations, including exemptions.

D. Procedure for a Certificate of Occupancy/Certificate of Compliance
It shall be unlawful for an owner to use or permit any residential, commercial, or industrial use of any building or premises, or part thereof, until the Code Enforcement Officer shall have issued a Certificate of Occupancy and/or a Certificate of Compliance. Such Certificate shall state that such building or premises, or part thereof, and the proposed use thereof are in conformance with the provisions the NYS Uniform Code, and the Hopewell Town Zoning Ordinance.

203 - Application Procedures continued…

A Certificate of Occupancy or a Certificate of Compliance shall be issued only if the Code Enforcement Officer determines that, through any necessary inspections, the construction or proposed use complies with all the requirements and provisions of this Ordinance.

204 - Application Details

A. Application for a Building Permit

Each application for a Building Permit shall be made on forms available from the Code Enforcement Officer. Two (2) copies of the documentation to be submitted with the application shall clearly show the conditions of the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building, and the appearance and function of the proposed building. One (1) copy of such plan shall be returned to the owner when the Code Enforcement Officer shall have approved such plans. The lot shall be staked out on the ground before construction commences. At a minimum, the application shall include the following information and plans for both before and after conditions:

1. A description of the proposed work.
2. Proof of ownership of the premises where the work is to be performed.
3. The tax map number and the street address of the premises where the work is to be performed.
4. The occupancy classification of any affected building or structure.
5. Where applicable, a statement of special inspections prepared in accordance with the provisions of the NYS Uniform Code.
6. At least 2 (two) sets of construction drawings which:
   a. Define the scope of the proposed work.
   b. Where required by the NYS Education Law or as determined by the Code Enforcement Officer that the structural method or system of components requires professional design, shall be prepared by a NYS registered architect or licensed professional engineer.
   c. Indicate with sufficient clarity and detail the nature and extent of the work proposed.
   d. Where applicable, include a Site Plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
7. If applicable, proof of compliance with NYS Workers' Compensation Law.

204 - Application Details continued...

B. Application for a Special Use Permit

1. The Zoning Officer shall file all written applications for a Special Use Permit.
2. Each application shall be completed on such forms as are required by the Town Board and which shall be made available from the Code Enforcement Officer.
3. Each application shall contain at minimum the following information:
    a. The applicant's name, address, and interest in the subject property.
    b. If different from the applicant, the owner's name and address, and the owner's signed consent to the filing of the application.
    c. The street address or legal description of the subject property.
4. Each application shall be accompanied by payment of the filing fee and 2 (two) copies of a plot plan, drawn to scale and accurate in dimensions showing the following:
    a. The location of all existing and proposed buildings and structures.
    b. An area map showing all properties, their use and streets within 500 (five hundred) feet of the subject property.
    c. Any special land features such as streams, creeks, areas subject to flooding and areas of steep slope such slope being in excess of 15 (fifteen) percent.
    d. All existing or proposed landscaping, streets, roads, parking, utilities, and open space.
    e. Any other features which shall assist the Hopewell Planning Board in making its determination.
5. Each application shall include a written statement addressing each of the standards set forth in §305-D of this Ordinance and stating specifically how the proposed Special Use Permit relates to and meets each standard.
6. Each application shall provide any additional information which may be required to demonstrate compliance with any additional standards imposed on the Special Use Permit by the particular provision of this Ordinance authorizing the Special Use.
7. Each application shall provide any necessary Variances.

205 - Application Fees

A fee, payable in cash or other form of security, approved by the Municipal Attorney in accordance with the schedule established by resolution of the Hopewell Town Board, shall accompany each application for a Permit provided for by this Article. The fee schedule is available at the Town Clerk's Office.

206 - Unsafe Buildings or Structures

A. Unsafe buildings pose a threat to life and property in the Town of Hopewell. Buildings and structures may become unsafe by reason of damage by fire, the elements, age, or general deterioration. Vacant buildings not properly secured at doorways and windows serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this Ordinance to provide for the safety, health, protection, and general welfare of persons and property in the Town of Hopewell by requiring that such unsafe buildings be secured or repaired, or demolished and removed.

B. Should the Code Enforcement Officer determine, based upon his or her own opinion or upon receipt of information, that a building or structure:

1. Is or may become unsafe or dangerous to the general public.
2. Is open at the doorways and windows making it accessible to, and an object of attraction to, minors, vagrants and other trespassers.
3. Is or may become a place of rodent infestation.
4. Presents any other danger to the public.
5. Is unfit for the purpose for which it may lawfully be used, he or she shall cause or make an inspection of said building or structure and report in writing to the Hopewell Town Board the findings and recommendations in regard to securing or repairing, or demolishing and removing said building or structure.

C. The Hopewell Town Board shall thereafter consider the Code Enforcement Officer's report and by resolution determine if, in its opinion, the report so warrants that such building or structure is unsafe and dangerous, and if so determined, said Board shall order its securing, repair, if the same can be safely repaired, or its demolition and/or removal. The Hopewell Town Board shall order that a Notice be served upon the persons in the manner provided herein. The Notice shall contain the following:

1. A description of the premises.
2. A statement of the particulars in which the building or structure is unsafe or dangerous.
3. An order outlining the manner in which the building or structure is to be made secure or repaired, or demolished and removed.
4. A statement that the securing or repairing, or demolition and removal of such building or structure shall commence within 30 (thirty) days of the serving of the Notice and shall be completed within 60 (sixty) days thereafter, unless for good cause shown such time may be extended.
5. A date, time and place for a Public Hearing to be held before the Town Board in relation to such unsafe building or structure which Hearing shall be held not less than 5 (five) business days from the date the Notice has been lawfully served pursuant to Part D of this part, or more than 30 (thirty) days from the date upon which the Town Board ordered the securing, repairing, or demolishing and removal by the resolution required above.

206 - Unsafe Buildings or Structures continued…

6. A statement from the Town Board stating that in the event the Town Board determines that the property owner has neglected or refused to comply with such order to secure, repair, or demolish and remove the unsafe building or structure, the Town Board is authorized to provide for the securing of the building or structure or, if deemed necessary, demolition and removal of all debris and that the Town Board shall assess all expenses thereof against the land upon which the building or structure is located and shall institute a special proceeding to collect the costs incurred by the Town, including legal expenses.

D. Said Notice shall be served:

1. By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) or of the County Clerk or, if no such person can be reasonably found, by mailing such owner by certified mail or by first class mail a copy of such notice directed to his last known address as shown by the above records.
2. By personal service of a copy of such Notice upon any adult person residing in or occupying said premises if such person can be reasonably found.
3. By securely affixing a copy of such Notice upon the unsafe building. A copy of the Notice served as provided herein shall be filed in the Office of the County Clerk of the County of Ontario.

E. In the event of the refusal or neglect of the person so notified to comply with said order of the Hopewell Town Board, and after the Hearing, the Town Board shall provide for the securing or demolition and removal of such building or structure either by Town employees or by contract. Except in emergency as provided in §206-G hereof, any contract for demolition and removal of a building in excess of $5,000 (five thousand dollars) shall be awarded through competitive bidding.

F. All expenses incurred by the Town in connection with the proceedings to secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located. Expenses shall be levied and collected in the same manner as provided in Article XV of the Town Law for the levy and collection of a special ad valorem levy.

G. Where it reasonably appears that there is clear, present, and imminent danger to the life, safety or health of any person or property unless an unsafe building shall be immediately secured or demolished, the Town Board shall, by resolution,

authorize the Code Enforcement Officer to immediately cause the securing or demolition of such unsafe building. The expenses of such securing or demolition shall be charged against the land on which it is located and shall be assessed, levied and collected as provided in §206-F hereof.